

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Section 68.4(a) of the Commission's Rules)	WT Docket No. 01-
	309	
Governing Hearing Aid-Compatible Telephones)	RM-8658

**Hearing Aid Compatibility Report
and Notification of Election of Relief GSM Based Service**

Farmers Cellular Telephone Company ("Reporter"), a digital wireless service provider, pursuant to the Federal Communications Commission's ("Commission" or "FCC") *Order* in WT Docket No. 07-309, FCC 03-168, 29 CR 1299 (August 14, 2003), hereby files a report concerning the availability of digital phones for the hearing impaired. Moreover, pursuant to the Commission's September 8, 2005, *Memorandum Opinion and Order*, FCC 05-166, Reporter notifies the Commission of its election of relief to extend to August 1, 2006, as the date when 800 MHz GSM digital phones must be hearing aid compatible. This report does not address the reporting requirements of the *Order* which are properly addressed by handset manufacturers who are in the best position to report about their own activities.

I. Carrier Information

Reporter is a small Commercial Mobile Radio Services carrier that provides service in rural Alabama. Reporter has not received a request for a HAC handset.

II. Handset Discussion

Reporter has researched information for various manufacturers including Motorola, Nokia, LG, and Kyocera regarding hearing impaired phones. Currently Reporter offers at least three GSM handsets which are HAC-compliant on our digital 1900 MHz system: Motorola models V3 and V220 and Nokia 6102. However, we are not aware that there are any HAC-compliant handsets which can be used on our digital 850 MHz GSM system. As discussed below, Reporter seeks the relief the Commission has extended to 850 MHz GSM service providers.

III. Hearing Aid Compatible Handset Labeling/Insert Requirement

The HAC-compliant phones which are distributed by us contain an information sheet or instruction manual which describes the HAC capabilities of the handsets. The boxes containing the HAC handsets either have preprinted HAC rating information (M3 or M4 marking) or have HAC rating labels which Reporter applies prior to retail distribution. Each retail location has live working handsets on display for customer evaluation. The handset boxes are not on display and they do not have any HAC ratings listed on the box. We await the manufacturers to supply us with appropriate notification stickers and/or boxes with preprinted information.

IV. Outreach Efforts & Interoperability

Reporter has tested the HAC-compliant handsets which are distributed by it and they work well throughout Reporter's service area. Along with printed material for HAC phones we have also designated areas at each retail location which display live working HAC-compliant handsets for the customer to evaluate before each purchase.

V. Notification of Election of Relief

Pursuant to the Commission September 8, 2005, *Memorandum Opinion and Order (MO&O)*, FCC 05-166, 20 FCC Rcd. 15108 (FCC 2005), Reporter hereby requests an extension to August 1, 2006, by which to begin distribution of HAC-compliant handsets for the GSM 850 MHz system. In support of this request the Commission is advised that Reporter has periodically contacted its handset manufacturers to inquire as to the availability of HAC-compliant dual-mode handsets for use in 850 MHz GSM systems. As of this time, however, none are available. Beyond making such inquiries, Reporter's ability to affect any manufacturing changes is limited by Reporter's small carrier status and lack of market power. Reporter will provide further information on its efforts to offer HAC-compliant dual-mode GSM phones in its May 17, 2006, HAC-compliance report. Report agrees to abide by the Commission's consumer outreach requirements specified in the *MO&O*, including, 1) offering a thirty-day trial period or otherwise adopt an acceptable, flexible return policy for consumers seeking to obtain hearing aid-compatible GSM digital wireless handsets; 2) including detailed information in Reporter's May 17, 2006, hearing aid compatibility compliance report that describes and discusses with specificity efforts to ensure a thirty-day trial period or otherwise flexible return policy for consumers seeking to obtain hearing aid-compatible GSM digital wireless handsets;¹ and 3) Reporter makes reasonably

¹ The *MO&O* indicated that such information was also to be included in the instant report. However, it is not apparent that Reporter can report on efforts to provide a 30 day trial period and/or flexible return policy where HAC-compliant dual-mode handsets are not being distributed owing to its unavailability from the manufacturer. When HAC-compliant dual-mode handsets become available Reporter will instruct its handset distribution system to allow for in store testing, a 30 day trial period, and a flexible return/contract cancelation policy if the HAC-compliant handset does not perform with the hearing aid in the manner the disabled person expected. Currently, hearing disabled subscribers who wish to use currently available, but non-

available to disabled subscribers and disabled potential subscribers of HAC-compliant 850 MHz GSM phones, via the retail handset distribution facility, current technical and anecdotal information regarding the hearing aid compatibility of specific GSM digital wireless handsets.

Respectfully Submitted,

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HAC compliant, technology are permitted to return handsets and cancel contracts within 30 days if the handsets interfere with their hearing aids.